

nozzles located above washing section and spray nozzles located below washing section. However, the Examiner stated further that the application does not reasonably provide enablement for washing a top portion of the produce only.

Applicants respectfully traverse this rejection. First, Applicants note that the application contains disclosure to enable one skilled in the art to wash produce by washing a top portion thereof. For example, in the Detailed Description of the Preferred Embodiments, Applicants describe the transport of water to spray nozzles 42 (located above the produce) and 42a (located below the produce). As noted at pages 8-9 of the specification, in one embodiment, there is a description of the transport of water along a main supply line 44, to a vertically oriented feeder line 46, and then to upper and lower horizontally oriented feeder lines 48. Each of the horizontal feeder lines has a shut-off valve 50 thereon (see Figure 4), which permits "the flow of water to the spray nozzles 42 [upper] or 42a [lower]" to be "terminated, if desired."

Accordingly, the specification specifically teaches one manner by which a top only spray can be provided. According to this embodiment, upper and lower nozzles are provided, but the flow of water to the lower nozzles 42a could be shut off using the lower shut-off valve 50 – resulting in a top only spray. Applicant respectfully submits that particularly in light of this description, it would be apparent to one of ordinary skill in the art that a top only spray could also be provided by simply eliminating the bottom spray structure.

III. Double Patenting

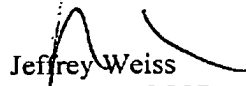
The Examiner rejected Claims 1-6 based on the judicially created double-patenting doctrine, but stated that this rejection could be overcome by the filing of a terminal disclaimer. Accordingly, Applicants respectfully submit herewith a terminal disclaimer, on behalf of all applicants and owners of this application, in order to fully respond to the double patenting rejection.

In conclusion, Applicants respectfully submit that this Amendment, including the

amendments to the Claims and in view of the Remarks and Terminal Disclaimer offered in conjunction therewith, are fully responsive to all aspects of the objections and rejections tendered by the Examiner in the Office Action. Applicants respectfully submit that Claims 1-6 are now in condition for allowance. Applicants therefore earnestly solicit the issuance of a Notice of Allowance with respect to these claims.

If there are any fees incurred by this Amendment Letter or Terminal Disclaimer, please deduct them from our Deposit Account No. 23-0830.

Respectfully submitted,


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